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96-16

REGIONAL TECHNICAL ASSISTANCE REQUEST FORM

Date: 2/22/96

Mail or E-Mail to: Donald A. Cool, Director
Division of Industrial and Medical Nuclear Safety, NMSS

From: John R. Madera, Chief
Nuclear Materials Safety and Safeguards Branch, Region III

Licensee: N/A License No. N/A

- ☐ Control No. _____ (if applicable)
- ☐ Letter dated: Feb. 1, 1996
- ☐ Suggested change in licensing procedure (enclosed):

☐ Problem/Issue: We recently received the attached 2/1/96 letter from the State of Michigan. Earlier this year the State was notified of an alarm that went off at a scrap yard in the State of Pennsylvania. The waste was returned to its originator - Cannon-Muskegon Corporation in Muskegon, Michigan. The State of Michigan reviewed the matter and concluded that the type and quantity of material that was shipped to the scrap yard falls within the purview of 10 CFR 40.13(a) or 40.22. Therefore, the State believes the material in question is either an unimportant quantity (not requiring a license), or generally licensed material exempt from Part 20.

The purpose of the State of Michigan's letter is to request the NRC provide them with an interpretation of 10 CFR Part 40, sections 40.13 and 40.22. In addition, the State points out that the number of these types of incidents is on the rise, and additional NRC guidance would assist the State in resolving these issues.

☐ Action Required: Please review the attached letter from the State of Michigan and provide an official interpretation of the requirements in Part 40. Also, address the issue concerning the need identified by the State in developing guidance in dealing with future incidents of this nature.

☐ Recommended Action (with revisions): ☐ Approve or ☐ Reject

We concur with the State's assessment of the incident in that it appears that the material that went to the scrap yard falls within the purview of either 40.13 or 40.22, and therefore can be treated as nonradioactive waste. However, concerning 40.13, we are not certain as to how one should apply the 0.05% by weight, i.e., should it be applied to the individual fragments, or the aggregate? If it is applied to individual fragments, then it does not appear the material

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would qualify as unimportant quantities.

Remarks:

Headquarters Reviewer: _____

Regional Reviewer: Kevin Null

Reviewer Code: R2

Reviewer Phone No.: (708)829-9854 Fax No.: (708)515-1259

Request Needed by: __/__/__ (date)

Form TAR-10

8/93

cc: Cindy Pederson